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11 UNITED STATES DISTRICT COURT
12 EASTERN DISTRICT OF CALIFORNIA

13 MICHAEL BRECHT,

14 Plaintiff,

15 v.

16 BNSF RAILWAY COMPANY, f/k/a THE
17 BURLINGTON NORTHERN SANTA FE
18 RAILWAY COMPANY, a Delaware
19 corporation,

Defendant,

v.

HARSCO CORPORATION,

Third Party Defendant.

NO. 2:05-cv-00859-KJM

ORDER REVISING PRETRIAL
SCHEDULE

Honorable Kimberly J. Mueller
Date Filed: May 2, 2005
Trial Date: February 5, 2007

This matter came on before the Hon. Kimberly J. Mueller on the Stipulation of the parties for a revised pre-trial case schedule. The Court has considered the Stipulation of the parties. The parties propose a revised pretrial schedule, which alters discovery dates, and the deadline for dispositive motions, but not other dates on the Court's schedule. Based on the Stipulation of the parties and for good cause shown, now, therefore,

It is hereby ORDERED that the following schedule shall apply to future dates in this case:

1. Defendant's expert reports shall be due Tuesday, August 22, 2006; third-party defendant's expert reports shall be due September 26, 2006. Rebuttal expert reports shall be filed on or before October 10, 2006.

2. Factual discovery, including the hearing of discovery motions, shall be completed by September 29, 2006. Discovery motions, if needed, shall be filed in accordance with LR 37-251.

3. Expert discovery, including the hearing of discovery motions, shall be completed by October 27, 2006. Expert discovery motions, if needed, shall be filed in accordance with LR 37-251.

4. Dispositive motions, other than discovery motions, shall be noticed to be heard by November 29, 2006, rather than November 15, 2006, as previously ordered.

5. The pretrial conference remains scheduled for January 17, 2007 at 11:00 a.m. before the Honorable Kimberly J. Mueller. Pretrial statements shall be filed in accordance with LR 16-281.

6. Trial remains set for February 5, 2007 at 10:00 a.m. before the Honorable Kimberly J. Mueller. The parties shall file trial briefs in accordance with LR 16-285.

IT IS SO ORDERED.

DATED: July 13, 2006.


UNITED STATES MAGISTRATE JUDGE

1 **Presented By:**

2 **LAW OFFICES OF**
3 **FRED DIAMONDSTONE**

4 s/ Fred Diamondstone

5 Fred Diamondstone, WSBA No. 7138

6 Admitted *pro hac vice*

7 Attorney for Plaintiff

8 **BARRY, UBALDI, MCPHERSON & FLESHER LLP**

10 s/ Jacob D. Flesher per e-mail authorization 7/10/06

11 Jacob D. Flesher, SBN 210656

12 Attorney for Defendant Harsco Corp.

13 **ECKERT, SEAMANS, CHERIN & MELLOTT, LLC**

15 s/ Mark Gebauer per e-mail authorization 7/10/06

16 Mark Gebauer

17 Admitted *pro hac vice*

18 Attorney for Third Party Defendant Harsco Corp.